

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2013-15-C - ORDER NO. 2015-127(A)
FEBRUARY 26, 2015

IN RE:	Application of Nexus Communications, Inc.)	AMENDED ORDER
	for Designation as an Eligible)	DESIGNATING NEXUS
	Telecommunications Carrier for Low Income)	COMMUNICATIONS, INC.
	Support Only)	AS AN ELIGIBLE
)	TELECOMMUNICATIONS
)	CARRIER FOR PURPOSE
)	OF OFFERING LIFELINE
)	SERVICE

This matter comes before the Public Service Commission of South Carolina (the “Commission”) by way of the necessity to amend Commission Order No. 2015-127 issued in the present docket. Order No. 2015-127 was issued February 24, 2015, wherein the Commission granted Nexus Communications, Inc. (“Nexus”) designation as an Eligible Telecommunications Carrier. As an exhibit to this Order, the Commission attached the Stipulation entered into by the Office of Regulatory Staff and Nexus. However, Nexus’ FCC Compliance Plan, which was to be an attachment to the Stipulation, was inadvertently omitted from Order Exhibit A. We are, therefore, issuing this amended order to correct the omission. In all other respects, this Order is unchanged from the original.

This matter comes before the Public Service Commission of South Carolina (the “Commission”) on the above-captioned Application of Nexus Communications, Inc. (“Nexus” or “the Company” or “the Applicant”) for Designation as a Wireless Eligible

Telecommunications Carrier (“ETC”) for Low Income Support Only in the State of South Carolina (the “Application”).

For the reasons explained herein, the Commission has concluded that the Application should be approved and that designation of Nexus as an ETC on the terms provided in this Order would serve the public interest.

BACKGROUND

The Application to designate Nexus as a wireless ETC is supported by the Company’s verified Application with an approved FCC Compliance Plan, approved on December 26, 2012, the verified testimony of Steven Fenker, filed on February 28, 2013, and a Stipulation entered into between Nexus and the South Carolina Office of Regulatory Staff (“ORS”), filed with the Commission on January 29, 2015 (the “Stipulation”).

As directed by the Commission, notice of the filing of the Application was published in *The State* newspaper and *The Greenville News*, with proofs of publication being filed with the Commission on January 16, 2013. No petitions to intervene were filed in this matter. ORS is a party pursuant to statute.

The Stipulation recommends that Nexus be designated as an ETC for the limited purpose of providing Lifeline service to qualified households in accordance with the terms contained therein, including, but not limited to, Nexus’ agreement to comply with all terms and conditions of its FCC approved Compliance Plan, and to submit any changes or modifications to the Compliance Plan to the Commission and the ORS within

five (5) days of filing at the FCC. A copy of the Stipulation is attached hereto as “Exhibit A”, and its terms are incorporated by reference.

On February 5, 2015, Nexus filed a motion requesting that the Commission waive the hearing scheduled for May 7, 2015, at 10:30 a.m., admit the testimony and exhibits into the record, and grant expedited consideration and approval of the Application. ORS did not object to this motion.

Having considered the record before it, the Commission finds that the record is sufficient to make a final determination in this matter and that the interests of judicial economy are served by waiving the scheduled hearing and granting expedited consideration and approval of the Application.

ANALYSIS

Section 214(e) (2)(e) of the Telecommunications Act of 1996 (the “Act”) authorizes state commissions to designate common carriers that meet the requirements as ETCs.¹ 10 S.C. Code Ann. Regs. Section 103-690 provides that the Commission will fulfill its responsibility to designate common carriers as ETCs and establishes the requirements that an applicant must meet in order to be designated an ETC.²

As demonstrated in the Application, the testimony, the Stipulation, and the Company’s Compliance Plan, Nexus satisfies all the relevant requirements for designation as an ETC specified in Sections 254 and 214 of the Act and Section 103-690 of the South Carolina regulations. Nexus is (i) a common carrier as defined by 47 U.S.C.

¹ 47 U.S.C. Section 214(e)(2).

² See 10 S.C. Code Ann. Regs. Section 103-690C.

Section 153(10), (ii) offers all the supported services,³ (iii) provides its pre-paid voice service plans, including a Lifeline plan, and (iv) offers service throughout its designated service area. Additionally, it has been demonstrated that following designation, Nexus will (v) advertise the availability of its Universal Service offerings and charges through media of general distribution, specifically its Lifeline services throughout its ETC service area in satisfaction of 10 S.C. Code Ann. Regs. Sections 103-690, 103-690.1E(a)(1) and 103-690.1E(b)(1), (vi) make Lifeline service available to qualifying low-income consumers without requiring a service deposit in order to initiate Lifeline service if the consumer elects toll limitation services, will not charge such customer a monthly number portability charge, will verify annually that its Lifeline customers meet the qualifications and will provide sixty days' notice to customers which it believes no longer qualify for Lifeline service,⁴ (vii) certify that it complies with the service requirements applicable to the support it receives, (viii) be able to remain functional in emergency situations,⁵ (ix) satisfy consumer protection and service quality standards which are set forth in the CTIA Consumer Code as described in the Application including annual certification of its compliance and reporting of consumer complaints in accordance with S.C. Code Ann. Regs. Sections 103-690C(a)(1)(C)(3) and 103-690.1B(b)(4), (x) provide Lifeline local usage plans comparable to the incumbent local exchange carriers already operating in the area, (xi) comply with applicable reporting requirements including, but not limited to, annual progress reports required in S.C. Code Ann. Regs. Section 103-690.1, annual certification that it is able to remain functional in emergency situations required by S.C.

³ 47 U.S.C. Section 254(c); 47 C.F.R. Section 54.101(a); and S.C. Code Ann. Regs. Section 103-690C(a).

⁴ See S.C. Code Ann. Regs. Section 103-690.1E(a)-(b).

⁵ S.C. Code Ann. Regs. Section 103-690C(a) (2).

Code Ann. Regs. Section 103-690C(a)(2) and annual outage reporting requirements of S.C. Code Ann. Regs. Section 103-690.1B(b)(2) and (xii) as explained below, take steps to limit fraud, waste and abuse in the federal universal fund programs.

On February 6, 2012, the FCC adopted comprehensive reforms to the low-income program to revise the Lifeline service requirements.⁶ In the Lifeline Reform Order, the FCC adopted specific reforms attempting to limit fraud, waste and abuse in the low-income program. Nexus commits to compliance with the rules as they are applicable.

Section 103-690C(b) of the S.C. Code of Regulations provides that, in determining whether an ETC designation is in the public interest, the Commission must consider, *inter alia*, the benefits of increased consumer choice and the unique advantages and disadvantages of the applicant's service offering. Considering these factors and others, the Commission determines that it is in the public interest that the Commission grant Nexus wireless ETC designation for the limited purpose of providing Lifeline service. In addition, and consistent with federal findings, the Commission agrees that a creamskimming analysis is not required as a public interest test in the case of carriers seeking ETC designation for the limited purpose of offering Lifeline services.

IT IS THEREFORE ORDERED THAT:

- I. The Testimony and the Stipulation are accepted into the record without objection.
- II. The Applicant's Motion to Waive the Hearing and Expedite Consideration is granted.

⁶ *In the Matter of Lifeline and Link Up Reform and Modernization, Report and Order and Further Notice of Proposed Rulemaking*, WC Docket No. 11-42, FCC 12-11, released February 6, 2012. ("Lifeline Reform Order").

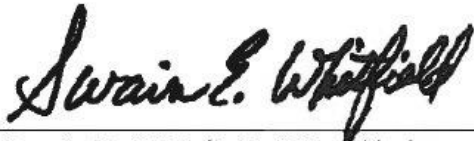
- III. Any changes or modifications to the Company's FCC approved Compliance Plan will be filed with the Commission, with a copy to ORS, within five (5) days of filing at the FCC.
- IV. Subject to the terms and conditions herein, Nexus Communications, Inc. is hereby designated as a wireless ETC for the limited purpose of providing Lifeline service as requested in the Application on the terms provided in the Stipulation. A copy of this Order shall be promptly provided by the Commission to the FCC and the Universal Service Administrative Company.
- V. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



Nikiya Hall, Chairman

ATTEST:



Swain E. Whitfield, Vice Chairman

(SEAL)